

## **REMARKS**

Claims 1-7 and 23 are now pending in the application. Claims 8-22 and 24 are cancelled by this amendment. Applicant has thoroughly reviewed the outstanding Office Action including the Examiner's remarks and the references cited therein. The following remarks are believed to be fully responsive to the Office Action, and to render all the claims at issue patentably distinguishable over the cited references.

The applicant would like to thank the Examiner for providing an examination of Claims 23 and 24. Further, the minor informalities noted by the Examiner in the Office Action have been corrected by minor non-narrowing amendments or indications in the present response.

The applicant would like to thank the Examiner for the interview given on 8 November 2004 in which the breadth of the Office Action mailed on September 15, 2004 was discussed. Further, the applicant discussed the information included in the declaration filed August 26, 2004.

## **CLAIM REJECTIONS – 35 U.S.C. §112**

Claims 23-24 stand rejected under 35 U.S.C. §112, first paragraph, as failing to comply with the written description requirement. This rejection is respectfully traversed.

Minor non-narrowing amendments were made to you Claim 23 to overcome this rejection. Support for the Claim 23 and the Amendment therein can found throughout the specification including the various example 1-3 in paragraphs 27-30 of the originally filed application.

Claim 24 has been cancelled by this response and therefore the rejection thereto

is rendered moot.

### **CLAIM REJECTIONS – 35 U.S.C. §103**

Claims 1, 2, 5, 6 and 23-24 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Galligan et al. (U.S. Patent No. 5,422,331) in view of Deshpande et al. (U.S. Patent No. 6,110,439). Claims 1, 2, 3, 4, 6, and 23-24 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Rorabaugh et al. (U.S. Patent No. 5,958,583) in view of Meyer et al. (U.S. Patent No. 4,542,113). Claims 1-7 and 23-24 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Butler et al. (U.S. Patent No. 6,497,776) in view of Meyer et al. (U.S. Patent No. 4,542,113) or Deshpande et al. (U.S. Patent No. 6,110,439) for the reasons as set forth in the previous office Action.

Filed herewith is a copy of the Declaration under 37 CFR 1.131 and attachments executed by the inventor and previously filed in the present application. The Exhibits in the Declaration provide evidence of enough weight and character to show conception and/or reduction to practice of the claimed invention prior to the effective dates of Deshpande et al., Rorabaugh et al., and Butler et al. In addition to the evidence provided in the declaration, the applicant submits that the ratios and contents of the various compounds that are commercially available are described in the originally filed application and are generally known to one skilled in the art. For example, with reference to paragraph 18 which indicates that a sol-gel may include about 10 weight percent to about 25 weight percent of a metal oxide including those from NALCO Chemical or Vista Chemical Company. Further, with reference to the various examples,

in particular example 3 in paragraph 30, the sol-gel 2327 from Nalco Chemicals is described as containing 20% solids of a metal oxide. Therefore, the Applicants submit that the declaration does provide evidence that the Applicant did have possession and the evidence establishes possession by the Applicant of the invention prior to the effective date of each of the references. **If the Examiner believes that any further evidence is required to allow each of the pending claims, please contact the Applicant's representative below before mailing an additional Office Action.** Therefore, Deshpande et al., Rorabaugh et al., and Butler et al. can not be applied as proper prior art references to the pending claims. Also, as reasoned in previous responses the cited art, alone or in combination does not teach or reasonably suggest the elements of the pending claims. Therefore, the remaining references, alone or in combination, do not teach or fairly suggest each of the presently pending claims.

Therefore, each of the pending claims 1-7 and 23 are in condition for allowance. The Applicant requests that the Examiner withdraw each of the rejections and allow each of the pending claims.

#### **CONCLUSION**

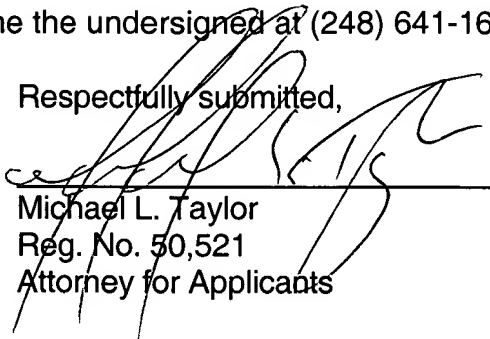
It is believed that all of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicant therefore respectfully requests that the Examiner reconsider and withdraw all presently outstanding rejections. It is believed that a full and complete response has been made to the outstanding Office Action, and as such, the present application is in condition for allowance. Thus, prompt and favorable consideration of this amendment is respectfully requested. If the

Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at (248) 641-1600.

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Respectfully submitted,



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